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97TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
No. 97-914

COMPLETED ORIGINAL

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1983, AND FOR OTHER PURPOSES

SEPTEMBER 30, 1982.—Ordered to be printed

Mr. WHITTEN, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.J. Res. 599]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 599) making continuing appropriations for the fiscal year ending September 30, 1983, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8. 11, 12, 13, 16, 24, 28, 31, 34, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 49, 52, 55, 60, 70, 77, 87, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 9, 19, 20, 21, 22, 23, 25, 29, and 32, and agree the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

(c) Pending passage of the regular Department of Defense Appropriation Act for fiscal year 1983, such amounts as may be necessary for continuing activities which were conducted in the fiscal year 1982, for which provision was made in the Department of Defense Appropriation Act, 1982, but such activities shall be funded at not to exceed an annual rate for new obligational authority of $228,700,000,000, which is an increase above the current level, and this increase shall be distributed on a pro-rate basis to each appropriation account and shall operate under the terms and conditions

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provided for in the applicable appropriation Acts for the fiscal year 1982: Provided, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982; this limitation shall include but not be limited to prohibitions on funding availability for initial production of the M–X intercontinental ballistic missile and for long lead or initial production of a second nuclear-powered aircraft carrier until midnight December 17, 1982; and in addition, this limitation shall include the lower appropriation or funding ceilings for specific projects and activities set forth in the Department of Defense Appropriation Act, 1983, as reported to the Senate on September 23, 1982, or as subsequently reported to the House of Representatives: Provided further, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate multiyear procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later except for the following programs and amounts; AN/ALQ–136 Radar Jamming the purchase of C–2 aircraft under a multiyear contract, $267,800,000: Provided further, That none of the funds appropriated or made available pursuant to this paragraph for the pay of members of the uniformed services shall be available to pay any member of the uniformed services a variable housing allowance pursuant to section 403(a)(2) of title 37, United States Code, in an amount that is greater than the amount which would have been payable to such member if the rates of basic allowance for quarters for members of the uniformed services in effect on September 30, 1982, had been increased by 8 per centum on October 1, 1982: Provided further, That pending passage of the regular Department of Defense Appropriations Act for fiscal year 1983, none of the funds appropriated or made available pursuant to this paragraph shall be available for the additional conversion of any full time personnel in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard, from military technician to Active Guard/Reserve status: Provided further, That none of the funds appropriated or made available pursuant to this paragraph, except for small purchases in amounts not exceeding $10,000, shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or specialty metals including stainless steel flatware, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency

procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto; Nothing in this provision shall preclude the procurement of foreign produced specialty metals used in the production or manufacture of weapons or weapons systems made outside the United States except those specialty metals which contain nickel from Cuba, or the procurement of chemical warfare protective clothing produced outside the United States, if such procurement is necessary to comply with agreements with foreign governments; Nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions; No funds appropriated or made available pursuant to this paragraph shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations other than certain contracts not involving fuel made on a test basis by the Defenser Logistics Agency with a cumulative value not to exceed $5,000,000,000, as may be determined by the Secretary of Defense pursuant to existing laws and regulations as not to be inappropriate therefor by reason of national security considerations; That the Secretary specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards of such contracts will be made at a reasonable price and that no award shall be made for such contracts if the price differential exceeds 5 per centum; None of the funds appropriated or made available pursuant to this paragraph shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

Notwithstanding section 102 of this joint resolution, such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in S. 2939, entitled the Legislative Branch Appropriation Act, 1983, as reported September 22, 1982, and the provisions of S. 2939 shall be effective as if enacted into law; except that the provisions of section 306(a), (b), and (d) of S. 2939 shall apply to any appropriation, fund, or authority made available for the period October 1, 1982, through December 17, 1982, by this or any other Act.

For purposes of this subsection, S. 2939, as reported September 22, 1982, shall be treated as appropriating the following amounts:

Under the headings "JOINT ITEMS", "CONTINGENT EXPENSES OF THE SENATE", "Joint Economic Committee", $2,327,000, and "CONTINGENT EXPENSES OF THE HOUSE", "Joint Committee on Taxation", $3,233,000; under the headings "CONGRESSIONAL BUDGET OFFICE", "SALARIES AND EXPENSES", $14,825,000; under the headings "ARCHITECT OF THE CAPITOL", "Salaries", $4,301,000; under the headings "COPYRIGHT ROYALTY TRIBUNAL", "SALARIES AND EXPENSES", $606,000, of which $157,000 shall be derived from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by

17 U.S.C. 807; under the headings "GENERAL ACCOUNTING OFFICE", "SALARIES AND EXPENSES", $244,900,000.

For purposes of this subsection, S. 2939 shall be applied as follows:

The limitation on the number of staff employees of the Congressional Budget Office contained in S. 2939 shall be applied by substituting "222 staff employees" for "226 staff employees";

The fourth proviso under the headings "GOVERNMENT PRINTING OFFICE", "GOVERNMENT PRINTING OFFICE REVOLVING FUND", relating to travel expenses of advisory councils to the Public Printer, contained in S. 2939 shall be effective only for fiscal year 1983.

And the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

(g) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: Provided, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense-Civil, Department of the Army, Corps of Engineers-Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: Provided further, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982 without prior approval of the Committees on Apprpriations: Provided further, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982.

And the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *December 17, 1982*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 110. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any

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agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: Provided, That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982: Provided further, That the limitations of this section shall terminate on December 17, 1982.

And the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of section number 110 named in said amendment insert: *111*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *101(a)(3)*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That except for funds obligated or expended for planning, administration, and management expenses, and architectural or other consulting services, no funds herein appropriated shall be available for obligation or expenditure until such time as the Chancellor, acting on behalf of the Board of Regents of the Smithsonian Institution, certifies that all required matching funds are actually on hand or available through legally binding pledges*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *101(a)(3)*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

Notwithstanding section 101(a)(3) of this joint resolution, none of the funds provided by this joint resolution for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to Sec. 4(a), (b), and (c); Sec. 5; and Sec. 11 of H.R. 3480, as passed the House of Representatives on June 18, 1981: Provided further, That none of the funds appropriated under this joint resolution for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States and is—

(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

An alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: Provided further, That none of the funds provided by this joint resolution for the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that the recipient is either (a) a private attorney or attorneys (for the sole purpose of furnishing legal assistance to eligible clients) or (b) a qualified nonprofit organization chartered under the laws of one of the States for the primary purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance: Provided further, That none of the funds appropriated under this joint resolution for the Legal Services Corporation shall be used to bring a class action suit against the Federal Government or any State or local government except in accord-

ance with policies or regulations adopted by the Board of Directors of the Legal Services Corporation.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$77,042,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$67,301,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,121,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the proposed Senate language amended to change section number 122, as follows: *126*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 128. Notwithstanding any other provision of this joint resolution except section 102, funds shall be available for the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), at the rate and under the terms and conditions provided for in Title III of H.R. 7072 as passed the Senate on September 28, 1982.

And the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of section number 126 named in said amendment insert: *130*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of section number 129 named in said amendment insert: *132*; and the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 133. (a) In accordance with section 101(b) of this joint resolution, activities under title XV of the Public Health Service Act shall be continued at a rate to maintain current operating levels.

(b) Notwithstanding any other provision of law, no funds appropriated by this joint resolution or any other Act for fiscal year 1983 for any allotment, grant, loan, or loan guarantee under the Public Health Service Act or the Comprehensive Alocohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall be subject to reduction under section 1521(d)(2) of the Public Health Service Act during the period beginning on October 1, 1982, and ending on the date specified in clause (c) of section 102.

And the Senate agree to the same.

Amendment Numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of section number 131 named in said amendment insert *134;* and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 135. Notwithstanding any other provision of this joint resolution, such amounts as may be necessary shall be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds to support an annual operating level for Medicare claims processing activities of $800,000,000, including $45,000,000 for this purpose which is currently available under section 118 of Public Law 97-248.

And the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 136. Notwithstanding the decision of the United States Court of Appeals for the District of Columbia Circuit in Connecticut v. Schweiker (No. 81-2090, July 27, 1982), section 306 of Public Law 96-272, or section 1132 of the Social Security Act, no payment shall be made, in or with respect to any fiscal year prior to fiscal year 1984, under this or any other Act, and no court shall award or enforce any payment (whether or not pursuant to such decision) from amounts appropriated by this or any other Act, to reimburse State or local expenditures made prior to October 1, 1978, under title I, IV, X, XIV, XVI, XIX, or XX of the Social Security Act, unless a request for reimbursement had been officially transmitted to the Federal Government by the State within one year after the fiscal year in which the expenditure occurred. After fiscal year 1983, any

payment made to reimburse such State or local expenditures required to be reimbursed by a court decision in any case filed prior to September 30, 1982 shall be made in accordance with a schedule, to be established under the Social Security Act, over fiscal years 1984 through 1986.

And the Senate agree to the same.

Amendment numbered 66:

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows:

In lieu of section number 134 named in said amendment insert *137*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 138. Notwithstanding any other provision of law, of the funds appropriated for fiscal year 1983 to carry out the Community Services Block Grant Act of 1981, not more than 10 per centum of the funds allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrant farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act.

And the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of section number 136 named in said amendment insert: *139*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of section number 139 named in said amendment insert *141*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of section number 140 named in said amendment insert *142*; and the Senate agree to the same.

Amendment numbered 74:

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 144. Notwithstanding any other provision of this joint resolution, except section 102, funds shall be available for the United States Travel and Tourism Administration at an annual rate of $7,600,000.

And the Senate agree to the same.

Amendment numbered 79:

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment, as follows:

In lieu of section number 147 named in said amendment insert *148*; and the Senate agree to the same.

Amendment numbered 80:

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 149. Of the amounts appropriated to the Department of State for the purposes of "Contributions for International Peacekeeping Activities" not more than $50,000,000 shall be available for expenses necessary for contributions to a United Nations Transition Assistance Group, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 or any other provision of law: Provided, That none of these funds shall be obligated or expended for contributions to the United Nations Transition Assistance Group unless the President determines and reports to the Congress that an internationally acceptable agreement has been achieved among the parties to the Namibia dispute concerning implementation of United Nations Security Council Resolution 435 for the independence of Namibia.

And the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of section number 149 named in said amendment insert *150*; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

In lieu of section number 150 named in said amendment insert *151*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert *$190,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of section number 160 named in said amendment insert *159;* and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 160. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of maintaining the minimum level of essential activities necessary to protect life and property and bringing about orderly termination of other functions are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

And the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of section number 163 named in said amendment insert: *162*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 163. None of the funds provided in this joint resolution shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

And the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

SEC. 164. Notwithstanding section 1804 of the Public Health Service Act, funds provided for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research by the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216) shall remain available until December 31, 1982.

And the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

In lieu of section number 167 named in said amendment insert *165*; and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of section number 168 named in said amendment insert *166*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 15, 30, 33, 57, 59, 69, 73, 75, 76, 78, 83, 85, 86, 88, 89, 90, 93, and 100.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO,

CLARENCE D. LONG,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
TOM BEVILL,
BO GINN,
WILLIAM LEHMAN,
JULIAN C. DIXON,
VIC FAZIO,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
JACK EDWARDS,
JOHN T. MYERS
(except No. 88),
J. KENNETH ROBINSON,
CLARENCE E. MILLER
(except Nos. 29 and 30),
LAWRENCE COUGHLIN,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
JAMES A. MCCLURE,
PAUL LAXALT,
JAKE GARN,
HARRISON SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ROBERT W. KASTEN,
ALFONSE M. D'AMATO,
MACK MATTINGLY,
WARREN RUDMAN,
ARLEN SPECTER,
WILLIAM PROXMIRE,
JOHN C. STENNIS,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
TOM EAGLETON,
LAWTON CHILES,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON
(except amendment No. 95),
QUENTIN BURDICK,
PATRICK J. LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 599), making continuing appropriations for the fiscal year 1983 and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Amendment No. 1: Deletes the House provision for the Energy and Water Development Appropriation Act, 1983 in Sec. 101 (a)(1).

Amendment No. 2: Deletes language proposed by the House and stricken by the Senate which provides for projects and activities funded in the HUD-Independent Agencies bill at the House or Senate level, whichever is lower.

Amendment Nos. 3, 4, and 5: Provide that when an Act listed in subsection 101(a) has been reported to the House or the Senate but not passed by that House by October 1, 1982, it shall be considered as having been passed by that House.

Amendment Nos. 6, 7, and 8: Technical amendments that delete proposed Senate conforming language.

Amendment No. 9: Specifies that off-budget appropriations for the purchase and transportation of petroleum for the Strategic Petroleum Reserve be continued at the fiscal year 1982 rate of operations, the same as other activities covered in the Interior and Related Agencies Appropriation as proposed by the Senate.

Rate of Operations for Department of Defense

Amendment No. 10: Includes language which provides for continuing the activities of the Department of Defense at not to exceed an annual rate for new obligational authority of $228,700,000,000, and includes certain prohibitions on the use of the funds made available. The House language would have provided for a rate of operations not in excess of the current rate until the Defense Appropriation Act, 1983, was reported in the House whereupon that rate would prevail. The Senate language would have provided for a rate of operations set forth in the Defense Appropriations Act, 1983, as reported to the Senate on September 23, 1982.

The managers have included a provision that prohibits the Department of Defense from initiating or resuming any project or activity for which appropriations or funds were not available in fiscal year 1982. The managers have also specifically included prohibitions of funding for initial production of the M–X missile and for long lead or initial production of a second nuclear-powered aircraft carrier. There is no prohibition on continuing long lead production of the carrier for which long lead production was provided in fiscal year 1982. By including these specific prohibitions, the managers intended only to defer these and other funding initiatives until the Congress has had an opportunity to act on the final funding decisions. The programs specifically included in the funding prohibition are only some major examples of funding issues that are still to be decided by Congress. The managers were of the opinion that a

more complete program list of funding prohibitions should not be included, therefore allowing needed flexibility for both the Congress and the Executive Branch. However, the managers direct the Department of Defense to consult with the Appropriation Committees of Congress on any funding decisions where there is a question as to the propriety of proceeding with such funding during the operation of this continuing resolution. The managers also direct the Department to adhere to the lower of the appropriation and funding ceilings for projects, subprojects and activities set forth in the Department of Defense Appropriations Act, 1983, as reported to the House of Representatives or the Senate. In no instance should these ceilings be breached, and by the same token, these funding ceilings should not by interpreted as mandatory obligational levels. The intention of a continuing resolution is to proceed with the government's business at the lowest level possible, retaining Congressional flexibility for funding decisions to be made at later time. Congress should not be put in a position of being forced to fund programs on which it has not yet had an opportunity to express its will, since such action would impinge on its flexibility in arriving at these final funding decisions.

The managers agreed further that in order to avoid costly interruptions in the industrial base, authorized and appropriated fiscal year 1982 funds, including long-lead funds for defense programs, should continue to be spent unless specifically prohibited by the authorizing and appropriation committees of Congress.

The managers included a provision limiting variable housing allowance payments. Regular military compensation consists of basic pay, basic allowance for subsistence, and basic allowance for quarters. Each of the components or regular military compensation is affected by cost-of-living pay raise adjustments. Accordingly, this year the determination to limit the pay raise to become effective October 1, 1982, to four percent means that each of the components would be reduced by four percent from the budgeted eight percent pay raise. For those service members receiving basic allowance for quarters, however, the variable housing allowance entitlement program automatically makes up that four percent reduction for the basic allowance for quarters component of regular military compensation. The effect of this situation is to unfairly spread the burden of the pay cap policy since only about one-third of the military population now receives variable housing allowance payments. Further, the variable housing allowance offsetting payments would amount to about $137 million and would therefore reduce anticipated savings from the pay cap policy by that amount.

The limitation in this joint resolution assures that those variable housing allowance payments that would otherwise offset the basic allowance for quarters reduction due to the pay cap are not made. Without this provision, the Congress would face the requirement to fund $137 million in a supplemental bill for these payments, and then make additional reductions of $137 million in other defense programs to stay within its fiscal year 1983 spending allocations for defense.

In fiscal year 1982, congressional report language directed the Department of Defense to let each reserve component be free to determine the appropriate mix of full time military and military

technicians. It has come to the managers' attention that this language has been interpreted to mean that cost should not be a principal factor in the determination of the appropriate mix. The managers wish to reaffirm that cost is clearly intended to remain a principal factor in this determination as set forth in Public Law 93-365 (DOD Appropriation Authorization Act of 1975), which directed DOD to "use the least costly form of manpower that is consistent with military requirements and other needs of the Department of Defense". This is particularly the case since (1) the quality of cost comparisons previously presented to the Congress has been called into question by the General Accounting Office; and (2) Congress has approved significant pay increases for the military since the last comprehensive comparative cost assessment of conversions. Furthermore, the managers understand that a significant portion of the conversions planned for fiscal year 1983 are principally responsive to the requirement to reduce the number of civilian personnel to achieve personnel ceiling objectives, rather than considerations of relative cost and relative effect on readiness. Finally, the managers understand that in some components the Active Guard/Reserve personnel involved in these conversions are not deployable assets, which is also in contradiction to congressional report directives.

The language in the joint resolution is intended to put a stop to conversion of military technicians, by whatever means that may be accomplished administratively. It, therefore, is intended specifically to cover the 43 military technician Senior Staff Administrative Assistant positions in the Army Reserve now scheduled to be eliminated on October 1, 1982.

The managers wish to make it clear to the Department of Defense that it should structure its fiscal year 1983 military and civilian pay allocations—not program funding—to provide for at least a 25 percent absorption rate for the pay raise to become effective on October 1, 1982. Management and administrative practices and policies should be implemented from the beginning of the fiscal year to ensure achievement of absorption levels of at least 25 percent.

The managers have agreed to accept a provision included in the Senate reported defense Appropriations Bill, 1983 (S. 2951), requiring procurement of American-built commodities and materials.

Amendment No. 11: Provides funding for foreign assistance at the level contained in Public Law 97-121 (the 1982 Foreign Assistance Appropriations Bill) or the 1983 request level, whichever is lower, as provided by the House instead of the current level of operations as provided by the Senate.

Amendment 12: Restores the House Language ", or any other provision of law".

Amendment 13: Restores the House language which provides for aid to Israel at the level provided in Public Law 97-113 (the 1982 authorization bill).

Amendment No. 14: Provides funding for the operations of the Legislative Branch as provided in, and under the terms and conditions of, S. 2939, the Legislative Branch Appropriation Act for 1983, reported on September 22, 1982, with certain exceptions, for the fiscal year 1983, and extends the senior level salary freeze until De-

cember 17, 1982. The House bill had proposed funding as provided in H.R. 7073 for the fiscal year 1983; the Senate bill proposed funding as provided in S. 2939, subject to the termination date of the continuing resolution.

The conferees have agreed on the following exceptions from S. 2939:

Item	*Conference agreement*
Joint Economic Committee	$2,327,000
Joint Committee on Taxation	3,233,000
Congressional Budget Office	14,825,000
Office of the Architect: Salaries	4,301,000
Copyright Royalty Tribunal—Limitation	606,000
Authority to spend receipts	(157,000)
Net direct appropriation	449,000
General Accounting Office	244,900,000

In addition, the conferees agree that the number of staff at the Congressional Budget Office shall be limited to 222; and that the Public Printer, during fiscal year 1983, may pay the travel expenses of advisory councils to the Public Printer out of funds available in the Government Printing Office revolving fund.

Due to the lack of sufficient time on the legislative calendar, and because the Committees on Appropriations in the House and Senate each reported Legislative Branch appropriation bills that are very close in their recommendations, the conferees have decided, after reaching agreement on the differences between the two bills, to fund the Legislative Branch for the entire fiscal year 1983. It is the intention of the conferees that fiscal year 1984 Legislative Branch funding will be acted upon in regular order by both Houses.

The conferees agree that no additional funding will be provided for energy conservation in the Capital complex until a comprehesive analysis of the accrued and estimated costs and benefits of the program has been developed, together with a statement of appropriate goals. Also, in providing annual authority for the Information Industry Council, an advisory body to the Public Printer, the conferees direct that the Council shall be broadly representative of all segments of the printing and publishing industry, including its communications, typesetting, distribution and labor components. Appointees to the Council shall be chosen for their experience and technological expertise within the industry. The Council's task shall be to advise and recommend methods and procedures to the Public Printer for furthering the stated aims of Congress in the field of public printing and distribution. All meetings of the Council shall be open to the public.

Rate of Operations for Military Construction

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *:Provided, That notwithstanding the foregoing provision of this paragraph and notwithstanding any other provision of this*

joint resolution, such amounts as may be necessary for projects or activities provided for in the Military Construction Act, 1983 (H.R. 6968), at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference as filed in the House of Representatives on September 30, 1982, as if such Act had been enacted into law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 16: Deletes language proposed by the Senate which provides for projects and activities funded in the HUD-Independent Agencies bill at levels and under the conditions of the Senate reported bill.

Amendment No. 17: Inserts language proposed by the Senate for funding of programs in Energy and Water Development Appropriations at the current rate of operations, modified to require prior approval of the Committees on Appropriations for the initiation or resumption of any project or activity for which appropriations, funds or other authority were not available in fiscal year 1982.

Amendment No. 18: Provides for a termination date for this resolution of Friday, December 17, 1982, rather than December 15, 1982 as provided for by the House or December 22, 1982 as provided for by the Senate.

Amendment No. 19 and 20: Technical amendments correcting two section number references to the United States Code.

Amendment No. 21: Deletes House language in Section 107 providing for funding of Department of Energy National Security Programs, Bonneville Power Administration Fund (Borrowing Authority) and Corps of Engineers Operatión and Maintenance programs at the levels specified for these activities in the Energy and Water Development Appropriation Bill as reported to the House (H.R. 7145).

Amendment No. 22: Changes section number.

Amendment No. 23: Changes section number.

Amendment No. 24: Deletes language proposed by the Senate relating to Water Resources Council.

Amendment No. 25: Changes section number.

Amendment No. 26: Restores language proposed by the house amended to provide that the restriction on GSA rental rates provided in this joint resolution shall expire on December 17, 1982.

Amendment No. 27: Inserts language proposed by the Senate which prohibits the disposal of any federal land tracts or lands with national environmental or economic value until certain conditions are met. The managers agree that, except where provided by law and except in the case of land exchanges, certain requirements must be met by the proper administrative agencies before federal land tracts or lands with national environmental or economic value can be disposed of. As it is not the managers' intend to circumvent current law with respect to land disposals, the managers agree that state in-lieu selections Alaskan Native Land selections, Desert Land Entry selections, Carey Act land selections, Indian Allotments, patents under the 1872 Mining Act, and other similar land conveyances are activities "provided by law" and, therefore, not subject to the specific requirements provided by this section.

Amendment No. 28: Changes section number.

Amendment No. 29: Inserts language proposed by the Senate which subjects this provision to section 102 of this joint resolution.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *Moneys deposited into the National Defense Stockpile Transaction Fund under section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) are hereby made available, subject to such limitations as may be provided in appropriation Acts and in section 5(a)(1) of such Act, until expended for the acquisition of strategic an critical materials under section 6(a)(1) of such Act (and for transportation and other incidental expenses related to such acquisition). This paragraph applies without fiscal year limitation to moneys deposited into the fund before, on, or after October 1, 1982: Provided, That during the fiscal year ending on September 30, 1983, not more than $120,000,000 in addition to amounts previously appropriated, of which not to exceed $85,000,000 shall be available only until the termination of this joint resolution for the purchase of domestic copper mined and smelted in the United States after September 30, 1982, may be obligated from amounts in the National Defense Stockpile Transaction Fund for the acquisition of strategic and citical materials under section 6(a)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(1)) and for transportation and other incidental expenses related to such acquisition*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment makes available $120,000,000 for the purchase of materials for the National Defense Strategic Stockpile, of which $85,000,000 shall be available only until the termination of this joint resolution for the purchase of copper mined and smelted in the United States after September 30, 1982. The conferees are agreed that this amendment does not mandate the purchase of copper and that all the funds made available by this amendment may be used for the purchase of any strategic or critical materials authorized by the Act.

Amendment No. 31: Changes section number.

Amendment No. 32: Inserts language proposed by the Senate which makes funds in the GSA Federal Buildings Fund available for projects in the Senate reported Treasury, Postal Service and General Government Appropriations bill.

The effect of this amendment would be that GSA projects listed by line-item in either House reported or Senate reported Treasury, Postal Service and General Government bill for fiscal year 1983 would be funded.

District of Columbia

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate with an amendment as follow:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 114. (a)(1) Funds provided by this joint resolution for costs to continue the implementation of provisions contained in the District of Columbia Statehood Constitutional Convention Initiative (D.C. Law 3-171) shall be applied first toward ensuring voter education on the proposed constitution by (A) printing, by the Statehood Commission, of the proposed constitution together with objective statements both for and against its provisions as expressed by the Convention delegates taking such positions, (B) mailing of this information to the registered voters of the District of Columbia by October 22, 1982, and (C) preparing for publication as a public document a comprehensive legislative history of the proposed constitution.

(2) None of the funds provided by this joint resolution may be used to pay for the publication of any information or materials by the Statehood Commission which fail to present objective arguments for and against the provisions of the proposed constitution.

(b) Notwithstanding section 102, the paragraph under the heading "LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND" in the District of Columbia Appropriation Act, 1982 (Public Law 97-91; 95 Stat. 1175) is amended—

(1) in the second proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of fees to ticket agents, fees to contractors supplying gambling paraphernalia or services, and prizes";

(2) in the third proviso, by striking out "payments of prizes" and inserting in lieu thereof "payment of such fees and prizes";

(3) in the fourth proviso, by striking out "prizes and administration of the Board shall not exceed resources available to the Board from appropriated authority or revenues" and inserting in lieu thereof "administration of the Board shall not exceed resources available to the Board from appropriated authority: Provided further, That the annual expenses for fees and prizes shall not exceed revenues"; and

(4) in the fifth proviso, by striking out "for prize money" and inserting in lieu thereof "for fees and prize money".

(c) Notwithstanding any other provision of this resolution, the Superior Court of the District of Columbia may continue to operate the Volunteer Attorney Program and the Community Workers Program, and may implement the hearing commissioner program, from existing resources and position authority. Upon passage of the fiscal year 1983 appropriation Act, full year program funding will be available to pay, retroactively, for program services performed on or after October 1, 1982.

(d) The Washington Convention Center may proceed at an annual rate of operation which does not exceed $5,275,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that first call on funds available to the Statehood Constitutional Convention shall be for (1) voter education materials to be mailed to registered voters of the District by October 22, 1982, and (2) preparation of a legislative history of the

proposed constitution. The conferees are further agreed that funds may not be used by the Statehood Commission to pay for the preparation or publication of any information or materials which fail to present objective arguments for and against the provisions of the proposed constitution.

The conferees have also agreed to certain technical changes to the permanent legislation enacted in Public Law 97-91, approved December 4, 1981, establishing the lottery and Charitable Games Enterprise Fund. These changes were requested by the District government so that revenues generated from Lottery and charitable games activities may be used to (1) permit the payment of fees to ticket agents and contractors supplying gambling paraphernalia or services, and (2) allow for the payment of prizes from revenues generated by these activities.

The conference agreement further provides that the Superior Court of the District of Columbia may continue, within the resources allowed under this resolution, the Volunteer Attorney Program and the Community Workers Program, and may implement the hearing commissioner program.

The Volunteer Attorney Program and the Community Workers Program have been funded by Federal grant funds that will no longer be available after September 30, 1982. Henceforth, they will be funded from locally generated funds. Each of these programs is provided for in both the House and Senate versions of the fiscal year 1983 appropriations bills for the District of Columbia, which are pending final action by the Congress.

Finally, the conferees have inserted language which allows the Washington Convention Center to proceed towards its scheduled opening late in colendar year 1982, at an annual rate of expenditure of $5,725,000. This will allow the Center to hire the necessary staff and make the required final preparations prior to the first event in January, 1983. This amount does not allow for the purchase of theatre style seats as proposed in the budget. That item will be resolved during consideration of the regular fiscal year 1983 appropriations bill for the District of Columbia.

Amendments No. 34, 35 and 36: Restore section numbers proposed by the House.

Amendment No. 37: Changes the section reference to 101(a)(3).

Amendment No. 38: Restores House language extending an Agency for International Development health project in Africa for three years.

Amendment No. 39: Restores section number proposed by the House.

Amendment No. 40: Provides that the Chancellor, acting on behalf of the Board of Regents of the Smithsonian Institution, certifies that private funds are available to match the appropriation in lieu of a certification by the Chancellor as proposed by the Senate amendment.

Amendments No. 41 and 42: Restore section numbers proposed by the House.

Amendment No. 43: Changes the section reference to 101(a)(3).

Amendment No. 44: Appropriates funds for Small Business Development Centers at an annual rate of $14,000,000 as proposed by the House instead of $11,000,000 as proposed by the Senate.

Amendment No. 45: Restores section number proposed by the House.

Amendment No. 46: Retains language, proposed by the House, which provides restrictions on the activities of the Legal Services Corporation as contained in H.R. 3480 as passed the House of Representatives on June 18, 1981 as follows:

(a) limitations on the presumptive right to refunding (Sec. 4(a), (b) and (c);

(b) prohibitions on lobbying (Sec. 5);

(c) allocation of funding (minimum access) (Sec. 11); and

(d) restrictions on use of funds for aliens (Sec. 14(a)(6) and (b)).

In addition the conference agreement provides for the restrictions on qualifications of recipients as contained in Sec. 3 of H.R. 3480, as proposed by the House, except, as provided by the Senate, that the Corporation can make grants and contracts to qualified nonprofit organizations chartered under State laws for the primary, instead of the sole, purpose of furnishing legal assistance to eligible clients. The conference agreement also provides for the restrictions on initiation of class action suits as proposed by the Senate instead of the class action provision contained in Sec. 6 of H.R. 3480, as proposed by the House.

The conferees are agreed that none of the funds available under this joint resolution for the Legal Services Corporation shall be available for a full adversarial hearing in advance of the denial of any application for refunding. The conferees are also agreed that prior to the denial of any application for refunding, the Corporation shall insure that, the applicant has been given reasonable notice and an opportunity for a timely and fair hearing pursuant to regulations promulgated by the Corporation.

Amendment No 47: Restores section number proposed by the House.

Amendment No. 48: Restores language proposed by the House which permits the federal government to deduct reasonable amounts from government employees' wages to satisfy indebtedness to the government, when such indebtedness has been determined by a United States Court.

Amendment No. 49: Restores section number proposed by the House.

Amendment No. 50: Makes reference to a total of $77,042,000 available at an annual rate for exchange programs of the United States Information Agency as provided by the conference agreements in amendments numbers 51 through 53 instead of a total of $70,122,000 as proposed by the House and unspecified amounts as proposed by the Senate.

Amendment No. 51: Provides an annual rate of $67,301,000 for the Fulbright and International Visitor Programs instead of $60,415,000 as proposed by the House and $80,886,000 as proposed by the Senate.

Amendment No. 52: Provides an annual rate of $2,620,000 for the Humphrey Fellowship Program as proposed by the House instead of $3,147,000 as proposed by the Senate.

Amendment No. 53: Provides an annual rate of $7,121,000 for the Private Sector Programs instead of $7,087,000 as proposed by the House and $8,630,000 as proposed by the Senate.

Amendment No. 54: retains Senate language prohibiting the use of funds for activities related to leasing in wilderness and wilderness study areas, to conform to the language in House-passed legislation.

Amendment No. 55: Restores section number proposed by the House.

Amendment No. 56: Provides that the Women, Infants and Children Program (WIC) shall be carried out as provided in Title III of H.R. 7072 as passed the Senate. The conference agreement amends the Senate language to specify as provided "in Title III" of H.R. 7072.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment amended to read as follows:

In lieu of the section number 125 named in said amendment, insert *129*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS

Amendment No. 58: Retains language proposed by the Senate which terminates the section 406 air carrier subsidy program but continues payments to air carriers. The House bill contained no comparable provision.

MILITARY SERVICE BONUSES

Amendment No. 59: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 131. Sections 308(g) and 308a(c) of title 37, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu thereof "December 17, 1982".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 60: Deletes new section proposed by the Senate which would have appropriated $296,500,000 fo community service employment for older Americans under title V of the Older Americans Act.

The conferees have deferred action without prejudice. While the conferees support increased appropriations for this program, there is still time to consider this matter in the regular fiscal 1983 Labor, Health and Human Services and Education bill, since it is forward-funded. The conferees intend to press for action on a regular Labor-HHS bill, providing fully adequate funding for this program.

Amendment No. 61: Changes the section number and appropriates $39,000,000 for the childhood immunization program administered by the Centers for Disease Control, as proposed by the

Senate. The House resolution contained no special provision for this program.

Amendment No. 62: Changes the section number and provides for continuation of activites under Title XV of the Public Health Service Act at the rate authorized by section 101(b) of H.J. Res. 599. The Senate bill appropriated $64,432,000 for these activities. The House bill contained no similar provision.

Also inserts language proposed by the Senate providing that funds appropriated for 1983 shall not be subject to reduction under section 1521(d)(2) of the Public Health Service Act for the duration of the Continuing Resolution. The House bill contained no similar provision.

The conferees have included bill language to continue the health planning program at the current operating level. The conferees direct the Department of Health and Human Services to make certain, in line with the authority in section 101(b) of this Resolution, that funds flow without interruption to health planning agencies so that they may continue to carry out their mission while the appropriate House and Senate committees continue their efforts to reauthorize the health planning program.

Amendment No. 63: Changes the section number and appropriates $34,000,000 for family medicine residencies as proposed by the Senate. The House bill contains no similar provision.

Amendment No. 64: Changes the section number and modifies language proposed by the Senate to read as follows:

Notwithstanding any other provision of this joint resolution, such amounts as may be necessary shall be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds to support an annual operating level for Medicare claims processing activities of $800,000,000, including $45,000,000 for this purpose which is currently available under section 118 of Public Law 97-248.

No similar provision was included in the House bill.

The conferees have agreed to an interim funding level of $800,000,000 for medicare contractors. This includes such amounts as may be necessary, over and above the $45 million already made available by P.L. 97-248 for this purpose, to achieve this operating level. The 1982 funding level for this program was $711 million.

Amendment No. 65: Changes the section number and modifies language proposed by the Senate related to certain claims submitted by the States under various public assistance entitlements. The revised language reads as follows:

Notwithstanding the decision of the United States Court of Appeals for the District of Columbia Circuit in Connecticut v. Schweiker (No. 81-2090, July 27, 1982), section 306 of Public Law 96-272, or section 1132 of the Social Security Act, no payment shall be made, in or with respect to any fiscal year prior to fiscal year 1984, under this or any other Act, and no court shall award or enforce any payment (whether or not pursuant to such decision) from amounts appropriated by this or any other Act, to reimburse State or local expenditures made prior to October 1, 1978, under title I, IV, X, XIV, XVI, XIX, or XX of the Social Security Act, unless a request for reimbursement had been officially transmitted to the Federal Government by the State within one year after the fiscal

year in which the expenditure occurred. After fiscal year 1983, any payment made to reimburse such State or local expenditures required to be reimbursed by a court decision in any case filed prior to September 30, 1982 shall be made in accordance with a schedule, to be established under the Social Security Act, over fiscal years 1984 through 1986.

No similar provision was included in the House bill.

On July 27, 1982, the United States Court of Appeals for the District of Columbia Circuit reversed a lower court decision which had found approximately $382 million in claims by the States to have been untimely filed under applicable appropriations restrictions (Connecticut v. Schweiker, No. 81-2090). For the most part, these claims arose under the AFDC, Medicaid and title XX programs. Some of them related to expenditures under those programs occurring almost thirty years ago. As of the date of this conference, the appeal rights of the government in the case have not yet expired, and there remains the possibility of Supreme Court review or other court action affecting the eventual payment by the government of these sums. The language agreed to is not intended to prejudice the outcome of this court case either on behalf of the government or for the States. The position of the Congress on this issue has already been amply expressed through its action on the fiscal year 1980, 1981 and 1982 appropriations bills and related continuing resolutions. The amendment is, however, intended to prohibit payment of any of these claims during fiscal year 1983. If the courts determine that payments must be made, the language agreed to provides a procedure for orderly payment of claims over a 3 year period beginning in fiscal year 1984.

Amendment No. 66: Appropriates $18,000,000 for fiscal year 1983 to carry out the Runaway and Homeless Youth Act, as proposed by the Senate, and changes the section number.

Amendment No. 67: Changes the section number and modifies language proposed by the Senate relating to the Community Services Block Grant. The conference agreement maintains the current requirement that States "pass through" at least 90% of funds allotted to them to local community action agencies and groups serving migrant and seasonal farmworkers.

Amendment No. 68: Inserts new section as proposed by the Senate extending the availability of funds appropriated in 1982 for close-out activities of the former Community Services Administration.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of section number 137 named in said amendment, insert *140.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment modifies the statutory requirement for making preliminary impact aid payments from funds available under the continuing resolution.

Amendment No. 70: Deletes language proposed by the Senate which would have appropriated an additional $50,000,000 over the

amount otherwise made available for 1983 by the continuing resolution for vocational education basic State grants.

It is the intent of the conferees that increases in funding for vocational education aimed at job training and other employment preparation for displaced, unemployed workers will be considered as part of the fiscal 1983 funding bill for the Department of Education.

Amendment No. 71: Changes section number and appropriates $9,000,000 to remain available for obligation until September 30, 1988, as proposed by the Senate, to carry out part H, subpart 2 of Title XIII of the Education Amendments of 1980 relating to the establishment of the General Daniel James Memorial Health Education Center at the Tuskegee Institute in Alabama. There was no funding for this purpose in the House resolution.

Amendment No. 72: Changes the section number and appropriates $5,000,000 for nursing research, as proposed by the Senate. The House bill contained no similar provision.

UNITED STATES COAST GUARD

HEALTH CARE RESPONSIBILITIES

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number 141 named in said amendment, insert *143*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 74: Inserts language proposed by the Senate that maintains the funding level at an annual rate of $7,600,000 for the United States Travel and Tourism Administration within the Department of Commerce, but deletes the Senate provision concerning the numbers of offices and employees in foreign countries. The conferees note that this provision is included in the FY 1983 Appropriations Bill for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies (S. 2956) as reported to the Senate.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, as follows:

In lieu of the section number named in said amendment, insert *145*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment of the Senate requires that government agencies make loan commitments in the full amount provided by law subject only to the availability of qualified applicants and the limitations contained in appropriation Acts.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number 144 named in said amendment, insert *146.*

The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to language proposed by the Senate which extends for 120 days the 6 month moratorium on the issuance of new nursing home regulations contained in Public Law 97-248.

Amendment No. 77: Deletes language proposed by the Senate to provide the Secretary of Agriculture with authority to conduct boundary surveys of National Forest System lands. The Managers are aware that the Bureau of Land Management has not met adequately Forest Service land line location needs. The two agencies are directed to comply with the existing Memorandum of Understanding. The Managers also urge the Authorizing Committees to address the proposals to give the Forest Service authority to conduct boundary surveys of National Forest System lands. In the event the above actions do not alleviate the Forest Service problem, the Committee will address an adequate remedy in fiscal year 1983.

URBAN MASS TRANSPORTATION ADMINISTRATION

FORMULA GRANT APPORTIONMENTS

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendments of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 147. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using date from the 1970 decennial census for one-quarter of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 79: Inserts language proposed by the Senate that adds $13,555,000 to the annual rate provided by Section 101(a) of the resolution for the LANDSAT program, administered by the National Oceanic and Atmospheric Administration within the Department of Commerce.

Amendment No. 80: Inserts language proposed by the Senate amended to read as follows:

SEC. 149. Of the amounts appropriated to the Department of State for the purposes of "Contributions for International Peacekeeping Activities" not more than $50,000,000 shall be available for expenses necessary for contributions to a United Nations Transition Group, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 or any other provision of law: Provided, That none of these funds shall be obligated or expended for contributions

to the United Nations Transition Assistance Group unless the President determines and reports to the Congress that an internationally acceptable agreement has been achieved among the parties to the Namibia dispute concerning implementation of the United Nations Security Council Resolution 435 for the independence of Namibia.

The conference agreement requires achievement of "an internationally acceptable" agreement among the parties to the Namibia dispute instead of an "adequate" agreement as proposed by the Senate.

Amendment No. 81: Appropriates $365,000 salaries and expenses of the National Security Council as proposed by the Senate for the President's Foreign Intelligence Advisory Board and the President's Intelligence Oversight Board.

Amendment No. 82: Transfers $5,200,000 from salaries and expenses of the National Endowment for the Humanities to "matching grants" to be used for challenge grants as proposed by the Senate, amended to change section number.

Amendment No. 83: Reported in disagreement.

Amendment No. 84: Appropriates $190,000 to carry out section 301 of the Native Hawaiians Study Commission Act to remain available until expended instead of $200,000 as proposed by the Senate.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment authorized the Administration to regulate the entry of steel products into this country.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment provides that importation of steam will be duty free.

Amendment No. 87: Deletes language proposed by the Senate.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment, as follows:

In lieu of section number 156 named in said amendment, insert *155.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate amendment adds a new section to the joint resolution providing for admittance of Tessie and Enrique Marfori into the United States for permanent reisdence.

The conferees are agreed that very unusual circumstances exist in this case and that the action of the conferees is not to be considered as a precedent for future consideration of private immigration bills.

Department of Transportation

INTERSTATE TRANSFER GRANTS

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 156. Notwithstanding any other provision of this joint resolution, there is appropriated $518,000,000, to remain available until expended, for Department of Transportation Interstate Transfer grants—Highways, and $365,000,000, to remain available until expended, for Department of Transportation Interstate transfer grants—Transit: Provided, That allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number 158 named in said amendment, insert *157* and in lieu of the section number 159 in said amendment, insert *158.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to language expressing the sense of the Senate that (1) Congress should reject any proposal to impose a means test on the Medicare programs, and (2) that October 10, 1982 be designated National Peace Day.

Amendment No. 91: Inserts language proposed by the Senate extending the construction deadline for financial adjustment factor (FAF) eligible housing units from October 1, 1982, to January 1, 1983, and changes section number.

Amendment No. 92: Provides validating language identical to language included last year in lieu of language proposed by the Senate.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 161. Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is amended by striking out "October 1, 1982" and inserting in lieu thereof "December 17, 1982".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment extends the expiration date of the International Coffee Agreement Act from October 1, 1982 to the date of the expiration of this joint resolution.

Amendment No. 94: Inserts new section as proposed by the Senate specifying that amounts made available by section 101 for continuing activities conducted in 1982 under the Comprehensive Employment and Training Act of 1973 are also available to continue those activities under the provisions of S. 2036 as reported by the Committee of Conference. S. 2036 is the new employment train-

ing authorization bill; the conference report was filed on September 28.

Amendment No. 95: Deletes language proposed by the Senate postponing the effective date of tenant rent contributions regulations.

Amendment No. 96: Changes the section number and modifies language proposed by the Senate to read as follows: *None of the funds provided in this joint resolution shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.*

No similar provision was included in the House bill.

The conferees have agreed to a limitation on the use of funds provided by this continuing resolution which prohibits the executive branch from taking any actions which are specifically designed to reduce the size of the Commissioned Corps of the Public Health Service. The conferees are agreed that this limitation does not restrict the authority of the Secretary of the Department of Health and Human Services to make reductions in the size of the Corps which he determines to be in the best interest of the Public Health Service.

Amendment No. 97: Extends availability of funds provided for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research in the Urgent Supplemental Appropriations Act until December 31, 1982, instead of March 31, 1983, as proposed by the Senate, and changes the section number. The House bill contains no similar provision.

Amendment No. 98: Inserts Senate housekeeping item language regarding certain telephone mileage charges.

Amendment No. 99: Inserts language proposed by the Senate to prohibit studies of "market rate" pricing of hydroelectric power by the six Federal public power authorities or other agencies or authorities of the Federal government. The language is in no way intended to affect specific case-by-case rate reviews that are required to be conducted by the Federal Energy Regulatory Commission under existing statutes and changes section number.

Federal Aviation Administration

AIRPORT GRANTS

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 167. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subseciton:

"(e) Use of Certain Apportioned Funds for Discretionary Purposes.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 509(e), or otherwise that any of the amounts apportioned under section 507(a) will not be obligated during a fiscal year, the Secretary may obligate

during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

"(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

"(3) For the purposes of carrying out this subsection—

"(A) None of the funds provided in the joint resolution providing continuing appropriations for the fiscal year 1983 shall be available for the planning or execution of programs and commitments for which are in excess of $1,050,000,000 for the two fiscal years ending prior to October 1, 1983, for grant-in-aid for airport planning, noise compatibility planning and programs, and development; and

"(B) Section 506(e)(4) of this Act shall not in any manner whatsoever impair the limitation established by this paragraph."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct that any carryover fiscal year 1982 contract authority be obligated during October 1982.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES,
EDWARD R. ROYBAL,
TOM BEVILL,
BO GINN,
WILLIAM LEHMAN,
JULIAN G. DIXON,
VIC FAZIO,
SILVIO O. CONTE,
JOSEPH M. MCDADE,
JACK EDWARDS,
JOHN T. MYERS
(except amendment No. 88),
J. KENNETH ROBINSON,
CLARENCE E. MILLER
(except amendments Nos. 29 and 30),
LAWRENCE COUGHLIN,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
JAMES A. MCCLURE,
PAUL LAXALT,
JAKE GARN,
HARRISON SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ROBERT W. KASTEN,
ALFONSE M. D'AMATO,
MACK MATTINGLY,
WARREN RUDMAN,
ARLEN SPECTER,
WILLIAM PROXMIRE,
JOHN C. STENNIS,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
TOM EAGLETON,
LAWTON CHILES,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON
(except amendment No. 95),
QUENTIN BURDICK,
PACTRICK J. LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
Managers on the Part of the Senate.

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